

State Law Library of Montana
MONTANA LEGISLATIVE HISTORY

Chapter 166 Session L 1977
Bill House 273 Senate _____

History and final status sheet NA
Introduced bill X
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on Judiciary

Senate Committee on Judiciary

Hearing date(s)* 2-14
2-15

Hearing date(s)* 3-16

Executive action (vote) date(s)* 2-15

Executive action (vote) date(s)* 3-16

Comm. Report NA

Comm. Report NA

Floor 2nd reading & vote 2-21

Floor 2nd reading & vote 3-18

Floor 3rd reading & vote 2-23

Floor 3rd reading & vote 3-21

Conference or Free Conference Comm. _____ Yes _____ No

Hearing date(s)* _____

Executive action (vote) date(s)* _____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? _____ Yes X No

Committee _____ Report _____

NOTES: Attachment referred to in House Judiciary minutes 2-15 was not provided to the Law Library.

There were no Committee Reports provided.



Compiled by: rg

Date: 9-22-2017

JUDICIARY

COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 132	deleting the provision which permits sale by a water owner in excess of his needs	2-3	McOmber	March 8	<u>WATER</u> concurred in amended	3-8
SB 176	requiring a waiting period of 20 days after filing a joint petition for dissolution of marriage before a decree may be entered,	2-4	Murray	March 9	concurred in	3-10
HB 691	prohibit placement of youths alleged to be delinquent or in need of supervision at Pine hills school or mt view school & clarifying authority	2-5	Menahan	Thursday 10th	table	2-11
HB 273	to provide that unlawful detainer actions filed in justice court be tried within 8 days.	2-7	Fagg	Monday 14	do pass as amended	2-15
HB 343	authorizing the granting of an injunction order when members of a citizens group etc. are injured and provide names, etc.	2-7	Conroy	Monday 14	pass as amended	2-19
HB 451	to amend, relating to fees for preparation of environmental impact statements by dept of NR on applications for permits etc.	2-7	Lien	Monday 14	do pass as amended	2-15

1 HOUSE BILL NO. 273
2 INTRODUCED BY FAGG
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
5 UNLAWFUL DETAINER ACTIONS FILED IN JUSTICE COURT BE TRIED
6 WITHIN 8 DAYS."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. There is a new R.C.M. section numbered
10 93-9712.1 that reads as follows:
11 93.9712.1. Continuance, when bond required. Actions
12 filed in justice court under this chapter shall be tried
13 within 8 days after the appearance or answer date stated in
14 the summons, unless the defendant applying for a continuance
15 shall give an undertaking to the adverse party, with good
16 and sufficient security to be approved by the court,
17 conditioned for the payment of all damages and rent that may
18 accrue if judgment be rendered against the defendant.

-End-

HB 273

003

INTRODUCED BILL

JUDICIARY COMMITTEE
February 14, 1977

The regular meeting of the House Judiciary Committee was held at 8:00 a.m. in room 436 of the Capitol Building, Helena, Montana on Monday, February 14th with Chairman Scully presiding. All members were present except Representative Teague.

SCHEDULED FOR HEARING WERE HOUSE BILLS 273, 343, 451, 685, 713, and 718.

HOUSE BILL #713:

REPRESENTATIVE RAMIREZ, DISTRICT #64:

This bill was recommended by the Montana Bar Association and would pertain mostly to large land transactions. It would simplify transactions in land by providing that anyone having the chain of record title to land which is unbroken for at least 30 years has a marketable record title to the land. When a title is examined they will go back through all of the title transactions by reviewing an abstract. It is necessary to go back clear to the beginning of the title and bring it up to date. What the act is designed to do is to limit the time. This kind has been enacted in a couple of states. What this does to eliminate this problem is to fix a length of time. If a title can be traced back 30 years it is considered marketable. This act permits the filing of a claim. They would have to record that interest each 30 years.

It does not affect:

1. easements
2. use restrictions
3. water rights
4. mineral interests
5. any interest claimed by the United S tates
6. timber
7. conservation easements.

It is this type of defect this is designed to eliminate. It would cut down the expense if an error is found. The title is cleared for a 30 year period.

A copy of the statement from the Montana Bar Association Title Standards Committee is attached. After a short question and answer period the hearing closed on House Bill #713.

THE HEARING OPENED ON HOUSE BILL #718:

REPRESENTATIVE MELOY, DISTRICT #29:

This bill is concerned with standardizing travel expenses paid from public funds by state governmental entities, except the legislative branch. He went on to explain in more detail the parts of the bill, such as removal, rating, salaries, expenses, suspension, etc. He mentioned that on page 4, line 7, concerning

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tenant. The list of damages has to be verified and it has to be notarized. It is very impractical because they don't know they have to have it notarized. We want to take out this requirement that it has to be verified. The second part clarifies whether or not cleaning supplies can be included. We must put this in perspective as to what this bill requires. The statute as it was passed in 1974 does provide a protection for the tenant. He talked about this bill affecting the people with low incomes. He mentioned that of the 3,000 landlords in Yellowstone County only 300 belong to the Landlords Association.

PROPONENT, ELDON PISER, PRESIDENT OF MONTANA LANDLORDS ASSOCIATION:
We have set up a grievance committee. He discussed the forms they would be asked to use. He mentioned the small percentage of bad tenants who would probably not be affected by this, and that they did not want to penalize the good tenants.

PROPONENT, ALBERT MILLER, MONTANA LANDLORDS ASSOCIATION:
I do not like the fact of the notary requirement.

PROPONENT, WALTER JACKOVITCH, LEGION OASIS:
There is some problem sometimes in getting the place from the vacated lease. We feel a written list must stand the test of the court and so we feel that that should suffice. We feel the verification is not necessary.

No other proponents.

OPPONENT, TOM COLLINS, MONTANA ASSOCIATION OF REALTORS:
We agree that this bill should be studied. We do recommend that you table it until House Bill 80 is through.

REPRESENTATIVE FAGG:
There is a substantial problem in the area. I would certainly hope that you would act on these.

The hearing closed on House Bill 685.

THE HEARING OPENED ON HOUSE BILL #273:
This would require that unlawful detainer actions filed in justice court be tried within 8 days, unless the defendant applying for a continuance should give an undertaking to the adverse party. If you have a dispute you have a bond in court to pay the rest.

JAMES JONES, MONTANA LANDLORDS ASSOCIATION:
The purpose is to require the justice of the peace to set the case for trial within 8 days. You have to give a 3 day notice. We checked around to see what would be the best way to go about this.

PROPONENT, ELDON PYFER, MONTANA LANDLORDS ASSOCIATION:
A lot of people don't know what the word rent means. He went on to talk about the types of renters and the problems involved.

005

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I think it is very important that you get this set up so we can get rid of the bad tenant, which is actually a very small % but cause all the problems.

ALBERT MILLER, MONTANA LANDLORDS ASSOCIATION:
I concur in this bill.

WALTER JACKOVITCH, LEGION OASIS:
I also concur in this bill. I feel there is no way to implement that termination.

OPPONENT, TOM COLLINS, MONTANA ASSOCIATION OF REALTORS:
It sets up a way for the landlord to harass the tenant. We are opposed to this bill.

REPRESENTATIVE FAGG:
I just don't think you should let landlords take two years to get their rent.

A question and answer period followed concerning the landlord-tenant act.

Mr. Fagg stated there are a couple of hundred complaints a year in Billings. He said that chapter 97 of statute 93 is the unlawful detainer. The law was enacted in 1895.

There was general discussion about the cleaning deposit and the security deposit. Both bills were discussed at some length.

CHAIRMAN SCULLY:
The law now applies to the security deposit. He said that 42-306 is a part of the statute already dealing with this.

He asked the attorney if he would agree with punitive damages.

MR. JONES:
I would agree.

The hearing closed on House Bill #273:

THE HEARING OPENED ON HOUSE BILL #343:

MR. JACKSON, WESTERN ENVIRONMENTAL TRADE ASSOCIATION:
I am sorry I was late and I appreciate the opportunity to speak on the bill. I am a proponent of HB 343. I am a member of the Montana Conservation District and very concerned with natural resources. The National Association of Conservation has 18,000 members. It is good for people to stand up and voice their opinion.

The meeting adjourned at 11:30 a.m.


JOHN P. SCULLY, CHAIRMAN


Mary Ellen Connelly

006

2nd Reading

Following: "into"

Strike: "crop production or"

3. Amend page 2, section 1, line 6.

Following: "(b)"

Strike: "crop production or"

4. Amend page 2, section 1, lines 10 through 12.

Following: line 9

Strike: lines 10 through 12 in their entirety

Insert: "establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area shall be approved by the department. Introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining irrigated pasture use plan."

5. Amend page 2, section 1, line 16 through page 4, line 8.

Following: line 15 on page 2

Strike: subsections (4) and (5) in their entirety

Insert: "(4) If the proposed plan calls for using introduced species for irrigated pasture, the applicant shall:

(a) file with the department a copy of a purchase back agreement or other document which requires future transfer of title to a surface owner who intends to continue the irrigation of the property. The department shall notify and consult with the future owner concerning the proposed reclamation plan;

(b) submit plans for regrading, topsoiling, reclamation, revegetation, and management which will produce optimal economic, microclimatic, and agronomic conditions for irrigated pasture production with minimal adverse effects on soil erosion, water, pollution, and other environmental factors."

6. Amend page 5, section 2, line 2.

Following: "cover"

Strike: "or crop production"

7. Amend page 5, section 2, line 6.

Following: "cover"

Strike: "or crop production"

8. Amend page 5, section 2, lines 13 through 18.

Following: line 12

Strike: the remainder of the bill in its entirety (91-2)

And be further amended:

9. Amend the amendment no. 4

Following: inserted section (b)

Insert: "(c) if the department determines that the reclamation plan for irrigated pasture has not succeeded, reclaim and revegetate under the provision of subsection (1)(a) of this section." (97-0)

And as amended, do pass. (89-7)

That HJR 25 be amended as follows:

1. Amend title, line 6.

Following: line 5

2-21-77

Strike: "repeal"

Insert: "review"

2. Amend title, lines 6 and 7.

Following: "OSHA"

Strike: "and directing the Montana attorney general to bring an action to declare OSHA unconstitutional"

3. Amend page 3, line 21.

Following: "to"

Strike: "repeal"

Insert: "review"

4. Amend page 3, line 22.

Following: "1970"

Insert: "to eliminate those practices and procedures which violate the Constitution of the United States"

5. Amend pages 3 and 4, lines 23 through line 7 on page 4.

Following: line 22

Strike: lines 23 through 25 on page 3 and lines 1 through 7 on page 4 (76-13)

And as amended, be passed for the day.

That HB 63 do pass. (88-0)

That HB 86 do pass. (84-10)

That HB 148 do pass. (76-3)

That HB 247 do pass. (80-2)

That HB 273 be placed below HB 331 on the Second Reading board.

That HB 297 be passed for the day.

That HB 331 be passed for consideration until the 46th Legislative Day.

That HB 273 be amended as follows:

1. Amend section 1, line 19.

Following: "defendant."

Insert: "The plaintiff and defendant may stipulate to a continuance of the trial beyond the limit of this section without the necessity of an undertaking." (77-0)

And as amended, do pass. (78-1)

That HB 344 do pass. (57-40)

Bradley replaced Seifert in the Chair.

Seifert resumed the Chair.

That HB 424 be passed for the day.

That the committee rise and report and beg leave to sit again. (Seifert, Chairman)

Burnett moved that HB 496 be segregated from the Committee of the Whole report. Motion failed.

Kvaalen moved that HB 344 be segregated from the Committee of the Whole report and as amended be adopted. Robbins moved the previous question. Motion carried. Kvaalen's motion failed. Thereupon report was adopted.

2007

Excused: Ellerd, Kennerly, Menahan.

Total 3

Absent or not voting: Davis, Ellison.

Total 2

House Bill No. 230 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellis, Ellison, Ernst, Eudaily, Fabrega, Fagg, Fed, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmillar, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Williams, Wood, Mr. Speaker.

Total 92

Noes: Estenson, Harper, Metcalf, Waldron, Wyrick.

Total 5

Excused: Ellerd, Kennerly, Menahan.

Total 3

Absent or not voting: None.

Total 0

House Bill No. 247 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Fed, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Johnston, Kanduch, Kenny, Kessler, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, South, Staigmillar, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Waldron, Williams, Wood, Wyrick, Mr. Speaker.

Total 90

Noes: Hansen, Jensen, Keyser, Roth, Smith, Vinger.

Total 6

Excused: Ellerd, Kennerly, Menahan.

Total 3

Absent or not voting: Bradley.

Total 1

House Bill No. 273 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Fed, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper,

Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Sivertsen, Smith, South, Staigmillar, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Mr. Speaker.

Total 96

Noes: Palmer.

Total 1

Excused: Ellerd, Kennerly, Menahan.

Total 3

Absent or not voting: None.

Total 0

House Bill No. 495 was passed by the following vote:

Ayes: Aageson, R. Baeth, W. Baeth, Bardanouve, Barrett, Bengtson, Bertelsen, Bradley, Brand, Burnett, Colburn, Conroy, Cooney, Courtney, Cox, Curtiss, Dassinger, Davis, Day, Dussault, Ellis, Ellison, Ernst, Estenson, Eudaily, Fabrega, Fagg, Fed, Frates, Gerke, Gilligan, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Hirsch, Holmes, Huennekens, Hurwitz, Jensen, Johnston, Kanduch, Kenny, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Manuel, Marks, Meloy, Metcalf, Meyer, Moore, Mular, Nathe, O'Connell, O'Keefe, Palmer, Pistoria, Porter, Quilici, Ramirez, Robbins, Roth, Ryan, Scully, Seifert, Severson, Shelden, Smith, Staigmillar, Stobie, Teague, Tower, Tropila, Turner, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wyrick, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: Ellerd, Kennerly, Menahan.

Total 3

Absent or not voting: Sivertsen, South, Wood.

Total 3

House Bill No. 527 was passed by the following vote:

Ayes: Aageson, W. Baeth, Bardanouve, Bengtson, Bertelsen, Bradley, Burnett, Conroy, Curtiss, Dassinger, Davis, Day, Dussault, Ellis, Ellison, Ernst, Eudaily, Fabrega, Fagg, Fed, Frates, Gerke, Gilligan, Hirsch, Holmes, Huennekens, Hurwitz, Kanduch, Kessler, Keyser, Kimble, Kropp, Kvaalen, Lien, Lory, Lund, Lynch, McLane, Marks, Meloy, Metcalf, Nathe, O'Keefe, Palmer, Porter, Quilici, Ramirez, Roth, Severson, Shelden, Sivertsen, South, Underdal, Vincent, Vinger, Waldron, Williams, Wood.

Total 58

Noes: R. Baeth, Barrett, Brand, Colburn, Cooney, Courtney, Cox, Estenson, Gould, E. Gunderson, J. Gunderson, Halvorson, Hand, Hansen, Harper, Harrington, Jensen, Johnston, Kenny, Manuel, Meyer, Moore, Mular, O'Connell, Pistoria, Robbins, Ryan, Scully, Seifert, Smith, Staigmillar, Stobie, Teague, Tower, Tropila, Turner, Uhde, Wyrick, Mr. Speaker.

Total 39

1 HOUSE BILL NO. 273

2 INTRODUCED BY FAGG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
5 UNLAWFUL DETAINER ACTIONS FILED IN JUSTICE COURT BE TRIED
6 WITHIN 8 10 DAYS."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. There is a new R.C.M. section numbered
10 93-9712.1 that reads as follows:

11 93-9712.1. Continuance, when bond required. Actions
12 filed in justice court under this chapter shall be tried
13 within 8 10 days after the appearance or answer date stated
14 in the summons, unless the defendant applying for a
15 continuance shall give an undertaking to the adverse party,
16 with good and sufficient security to be approved by the
17 court, conditioned for the payment of all damages and rent
18 that may accrue if judgment be rendered against the
19 defendant. THE PLAINTIFF AND DEFENDANT MAY STIPULATE TO A
20 CONTINUANCE OF THE TRIAL BEYOND THE LIMIT OF THIS SECTION
21 WITHOUT THE NECESSITY OF AN UNDERTAKING.

-End-

JUDICIARY COMMITTEE
EXECUTIVE SESSION
February 15, 1977

The House Judiciary Committee held an executive session in room 436, Capitol Building, Helena, Montana at 8:45 p.m. Tuesday, February 15. Chairman Scully presided. All members were present with the exception of Representative Colburn.

Chairman Scully appointed a sub-committee to work on House Bill 462. The following representatives were appointed: Representatives Dussault, Ramirez, Holmes, Roth, Courtney, Seifert and Eudaily.

Representative Ramirez reported on HOUSE BILL #316.

He presented proposed amendments to the committee for their consideration. REPRESENTATIVE RAMIREZ MOVED the adoption of the committee report. The motion carried with all members voting aye. REPRESENTATIVE KEYSER moved do pass as amended. The motion carried with the following representatives voting "no". Representatives Baeth, Courtney, Dussault, Lory and Holmes.

Representative Ramirez moved the adoption of the proposed amendments to HOUSE BILL 672:

The suggested amendments concerned the title, pages 4 and 5. The motion to amend carried with Representatives Courtney and Seifert voting "no". REPRESENTATIVE RAMIREZ moved "do pass as amended. Motion carried with all members present voting yes. (copy attached)

HOUSE BILL #654:

Representative Dussault moved the adoption of the proposed amendments. The motion carried with Representative Seifert voting "no". REPRESENTATIVE DUSSAULT moved "do pass as amended". The motion carried with the vote unanimous. (copy attached)

HOUSE BILL #685:

REPRESENTATIVE BAETH moved "do not pass". REPRESENTATIVE TEAGUE made a substitute motion "do pass". The motion failed with the vote 9 to 8. REPRESENTATIVE BAETH moved a substitute motion to "table". The motion carried with Representatives Teague and McLane voting "no".

HOUSE BILLS #91 and 92:

CHAIRMAN SCULLY took a straw vote to determine if the committee was still in favor of tabling the two bills. The vote for HB 91 was to remain tabled with Representatives Keyser, and Day voting "no". The vote for HB 92 to remain tabled was unanimous.

HOUSE BILL #719:

Representative Courtney moved to adopt the proposed amendments, pages 11 and 20. The motion carried with the vote unanimous. REPRESENTATIVE LORY moved that HB 719 "do pass as amended". The motion carried with the vote unanimous.

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HOUSE BILL #720:

REPRESENTATIVE LORY moved "do pass". The motion carried with the vote unanimous.

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HOUSE BILL #718:

REPRESENTATIVE DUSSAULT moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL #734:

REPRESENTATIVE LORY moved "do not pass". The motion carried with the following representatives voting "no". Representatives Keyser, Teague and Conroy.

HOUSE BILL #751:

REPRESENTATIVE RAMIREZ moved to amend. The motion carried.
REPRESENTATIVE LORY moved "do not pass as amended".
The motion carried with the following representatives voting "no".
Representatives Ramirez, Kennerly, Keyser, Teague and Scully.

HOUSE BILL #713:

REPRESENTATIVE RAMIREZ moved to amend. The motion carried.
REPRESENTATIVE RAMIREZ moved "do pass as amended".
The motion carried with Representative Day voting "no". (copy attached)

HOUSE BILL #273:

REPRESENTATIVE RAMIREZ moved "do pass".
REPRESENTATIVE KEYSER moved to amend. The motion carried with Representative Lory voting "no".
REPRESENTATIVE KEYSER moved "do pass as amended".
The motion carried with the vote unanimous. (copy attached)

HOUSE BILL 343:

REPRESENTATIVE KEYSER moved "do pass".
After some discussion it was decided the bill needed some work and was put into sub-committee.

HOUSE BILL #451

REPRESENTATIVE RAMIREZ moved to amend. The motion carried.
REPRESENTATIVE COURTNEY moved an additional amendment on line 8, page 4. The motion carried.
REPRESENTATIVE RAMIREZ moved "do pass as amended".
The motion carried with Representatives Dussault and Courtney voting "no".

HOUSE BILL #200:

REPRESENTATIVE ROTH moved to table pending action on the mandatory pre-trial bill. The motion carried.

HOUSE BILL #279:

REPRESENTATIVE RAMIREZ MOVED "do not pass".
The motion carried with the vote unanimous.

HOUSE BILL #201:

REPRESENTATIVE COURTNEY moved "do not pass as amended".
REPRESENTATIVE LORY made a substitute motion "do pass as amended."
The motion failed 10 to 7 with a roll call vote. Reverse to "do not pass".
Voting "no" were Representatives Ramirez, Holmes, McLane, Lory, Keyser, Conroy, Teague, Seifert, and Scully.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 16, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, at 9:35 a.m. in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All committee members present. However, Sen. Warden was excused until 10:20 to attend another meeting.

WITNESSES PRESENT TO TESTIFY:

Rep. Gilligan - Great Falls
Rep. Conroy - District 58, Hardin
Peter Jackson - Western director of W.E.T.A.
Rep. Fagg - Billings
Tom Honzel - County Attorneys Assn.
Walter F. Jackovich - Montana Landlord Assn.

CONSIDERATION OF HOUSE BILL 291:

Rep. Gilligan of Great Falls, sponsor of the bill, had Tom Honzel of the County Attorneys Assn. present the bill to the committee. It provides that obscuring the identity of a firearm is a crime. Hunting weapons are often stolen and are usually taken out of the area for resale. One of the first things they do is remove the serial numbers. That is not a crime in Montana, but it should be. The presumption that a person knows the serial number has been removed. This bill would give us a tool that we can use in regard to stolen property.

DISPOSITION OF HOUSE BILL 291:

Sen. Towe moved that HB 291 BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HOUSE BILL 343:

Rep. Conroy of District 58, Hardin, sponsor of this bill, said that this is a simple bill requested by the people of Hardin. This bill will not prevent filing an injunction. It allows granting of an injunctive order when members of a public interest association are hurt. Peter Jackson, Western Director of W.E.T.A., a comparatively new organization, appeared as an opponent of this bill. He said one of the basic desires of these groups seems to be to stop progress.

DISPOSITION OF HOUSE BILL 343:

Sen. Murray moved that HB 343 BE CONCURRED IN. The motion carried on a vote of 6-1 with Sen. Roberts voting "No" and 1 senator abstaining.

CONSIDERATION OF HOUSE BILL 607:

Rep. Fagg of Billings, sponsor of this bill, said that the

introduction of this bill had been brought about by his personal experience. The bill would allow a motorist stopped for a traffic violation to pay by check if he did not have the cash.

DISPOSITION OF HOUSE BILL 607:

Sen. Regan moved to strike "chartered" and insert "domiciled" on page 1, section 1, line 14. The motion carried unanimously.

Sen. Towe moved to amend page 1, section 1, lines 23 through 25, following "funds is" by striking "guilty of issuing a bad check under 94-6-309 and shall be prosecuted accordingly" and inserting "subject to prosecution under 94-6-309, and obtaining bond constitutes securing services for the purposes of that section". The motion carried unanimously.

Sen. Towe moved that HB 607 as amended BE CONCURRED IN. The motion carried with Sen. Murray and Sen. Olson voting "No".

CONSIDERATION OF HOUSE BILL 273:

Rep. Fagg, Billings, sponsor of this bill, said that this would provide that there is to be a security deposit for cleaning and that unlawful detainer actions are to be filed in justice court and must be tried within eight days.

Walter Jackovich appeared as a proponent of this bill. He is the manager of 160 unit low cost housing project in Butte. He said the purpose of this act is to require that an unlawful detainer action filed in justice court could be tried within 1 day. It requires the tenant must be 1 month behind in rent before the landlord can file. By the time a case goes to court at present, a landlord has not received rent for 3 months and must pay attorneys fees. He said that this bill would expedite matters greatly. HB 80 does not cover the material addressed in this bill.

DISPOSITION OF HOUSE BILL 273:

Sen. Roberts moved that HB 273 BE CONCURRED IN. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 80:

This bill had been considered previously by this committee.

Sen. Murray moved to amend page 3, sec. 8, line 20, following "premises" by striking the "." and inserting "; and

(8) occupancy outside a municipality under a rental agreement which includes hunting, fishing, or agricultural privileges along with the use of the dwelling unit." The motion carried unanimously.

Sen. Murray then moved to amend page 15, section 23, line 9, following "of the" by striking "tenants" and inserting "occupants"; and to further amend page 15, line 15, following "all", by striking "tenants" and inserting "occupants". The motion carried with

That House Amendments to Senate Bill No. 415 be concurred in. Unanimously concurred in.

That House Bill No. 80 follow House Bill No. 802. Unanimously passed.

That House Bill No. 101 be concurred in. Unanimously concurred in.

That House Bill No. 104 be concurred in. Unanimously concurred in.

That House Bill No. 116 be concurred in. Unanimously concurred in.

That House Bill No. 150 be concurred in. Unanimously concurred in.

That House Bill No. 182 be concurred in. Unanimously concurred in.

That House Bill No. 221 be concurred in. Unanimously concurred in.

That House Bill No. 273 be concurred in. Unanimously concurred in.

That the Committee rise and report, and beg leave to sit again. (Regan, Chairman)

Upon motion of Senator Regan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 31 was passed by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Devine, Dover, Dunkle, Etchart, Flynn, Galt, Goodover, Graham, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, McCallum, Manley, Manning, Mathers, Murphy, Murray, Nelson, Olson, Peterson, Rasmussen, Regan, Roberts, E. Smith, R. Smith, Stephens, Story, Towe, Turnage, Mr. President.
Total 39

Noes: Warden, Watt.
Total 2

Excused: Hager, Roskie, Thiessen.
Total 3

Absent or not voting: Brown, Fasbender, Lowe, Mehrens, Norman, Thomas.
Total 6

House Bill No. 4 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Devine, Dunkle, Flynn, Goodover, Graham, Hager, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, McCallum, Manley, Mathers, Mehrens, Murphy, Murray, Nelson, Olson, Rasmussen, Regan, Roberts, R. Smith, Stephens, Story, Thomas, Towe, Turnage, Warden, Watt, Mr. President.
Total 37

Noes: Dover, Etchart, Galt, Hazelbaker, Manning, E. Smith.
Total 6

Excused: Roskie, Thiessen.
Total 2

Absent or not voting: Brown, Fasbender, Lowe, Norman, Peterson.
Total 6

(Including the following pairs: Hager, aye - E. Smith, no; Mehrens, aye - Hazelbaker, no.)

House Bill No. 43 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, McCallum, Manley, Manning, Mathers, Murphy, Murray, Nelson, Olson, Peterson, Rasmussen, Regan, Roberts, E. Smith, R. Smith, Stephens, Story, Thomas, Towe, Turnage, Warden, Watt, Mr. President.

Total 43

Noes: None.
Total 0

Excused: Hager, Roskie, Thiessen.
Total 3

Absent or not voting: Brown, Lowe, Mehrens, Norman.
Total 4

House Bill No. 97 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, McCallum, Manley, Manning, Mathers, Murphy, Murray, Nelson, Olson, Peterson, Rasmussen, Regan, Roberts, E. Smith, R. Smith, Stephens, Story, Thomas, Towe, Turnage, Warden, Watt, Mr. President.

Total 43

Noes: None.
Total 0

Excused: Hager, Roskie, Thiessen.
Total 3

Absent or not voting: Brown, Lowe, Mehrens, Norman.
Total 4

House Bill No. 244 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, McCallum, Manley, Manning, Mathers, Murphy, Murray, Nelson, Olson, Peterson, Rasmussen, Regan, Roberts, E. Smith, R. Smith, Stephens, Story, Thomas, Towe, Turnage, Warden, Watt, Mr. President.

Total 43

Noes: None.
Total 0

Excused: Hager, Roskie, Thiessen.
Total 3

Absent or not voting: Brown, Lowe, Mehrens, Norman.
Total 4

House Bill No. 256 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Dover, Dunkle, Etchart, Fasbender, Galt, Goodover, Graham, Hazelbaker, Healy, Himsl, Jergeson,

Total 0

House Bill No. 221 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Mr. President.

Total 48

Noes: Watt.

Total 1

Excused: Warden.

Total 1

Absent or not voting: None.

Total 0

House Bill No. 226 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Watt, Mr. President.

Total 48

Noes: Etchart.

Total 1

Excused: Warden.

Total 1

Absent or not voting: None.

Total 0

House Bill No. 227 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Watt, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Warden.

Total 1

Absent or not voting: None.

Total 0

House Bill No. 237 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker,

Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Watt, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Warden.

Total 1

Absent or not voting: None.

Total 0

House Bill No. 273 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Watt, Mr. President.

Total 46

Noes: Boylan, Murphy, R. Smith.

Total 3

Excused: Warden.

Total 1

Absent or not voting: None.

Total 0

House Bill No. 291 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Watt, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Warden.

Total 1

Absent or not voting: None.

Total 0

House Bill No. 314 was concurred in by the following vote:

Ayes: Aber, Bergren, Blaylock, Boylan, Brown, Devine, Dover, Dunkle, Etchart, Fasbender, Flynn, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Jergeson, Kolstad, Lee, Lensink, Lockrem, Lowe, McCallum, Manley, Manning, Mathers, Mehrens, Murphy, Murray, Nelson, Norman, Olson, Peterson, Rasmussen, Regan, Roberts, Roskie, E. Smith, R. Smith, Stephens, Story, Thiessen, Thomas, Towe, Turnage, Watt, Mr. President.

HOUSE BILL NO. 273

INTRODUCED BY FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
UNLAWFUL DETAINER ACTIONS FILED IN JUSTICE COURT BE TRIED
WITHIN 0 10 DAYS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section numbered
93-9712.1 that reads as follows:

93-9712.1. Continuance, when bond required. Actions
filed in justice court under this chapter shall be tried
within 0 10 days after the appearance or answer date stated
in the summons, unless the defendant applying for a
continuance shall give an undertaking to the adverse party,
with good and sufficient security to be approved by the
court, conditioned for the payment of all damages and rent
that may accrue if judgment be rendered against the
defendant. ~~THE PLAINTIFF AND OFFENDANT MAY STIPULATE TO A
CONTINUANCE OF THE TRIAL BEYOND THE LIMIT OF THIS SECTION
WITHOUT THE NECESSITY OF AN UNDERTAKING.~~

-End-

HB 273

REFERENCE BILL

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